APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,781	05/02/2001	Steven J. Hulai	92509-3	4596

22463   7590   10/18/2005

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EXAMINER
LE, DEBBIE M

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/846,781	HULAI ET AL.
		Examiner	Art Unit	
		DEBBIE M. LE	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/18/05</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/18/05 has been

considered by the examiner. See attached PTO-1449.

Specification

Applicant is reminded of the proper language and format for an abstract of the

disclosure.

The abstract is objected because it contains legal phraseology often used in

patent claims, such as "means" and "said," should be avoided (see Applicants's

abstract, for example, line 10, respectively).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6, 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Wang (US Patent Application No. 2002/0160745 A1).

As per claim 1, Wang discloses a method of presenting data from an

application executing at a computing device (Fig. 1, # 26) at a remote wireless

device (Fig. 1, # 32, 34, 36, and 38), comprising:

receiving at said wireless device, a representation of a text file defining:

(as server 26 to serve electronic content to wireless devices 32, 34, 36, and 38

including HTML, XML WML) (see Fig. 11, par. 40);

a format of a user interface for the application at said wireless device (as

wireless mobile device interface component is used to generating device specific

information on the location-aware wireless such as text, audio, video, graphic or other

information) (see par. 102-103);

a format of network messages for exchange of data generated by said

application (as alert information is formatted into a network-independent location-

aware protocol message or network message interface used to communicate with plural

different types of location-aware wireless mobile device in a plural different locations in

a specific geographic area, or plural servers also exchange other types of information)

(see par. 92, par. 100, lines 5-8, par. 109, last two lines);

a format for storing data related to said application at said wireless device

(see par. 97, par. 128);

receiving data from said application in accordance with said format of

network transactions (see par. 0100, par. 128, lines 1-5, par. 0101), and

presenting said data at said wireless device using said user interface (see

par. 0098, par. 0102).

As per claim 2, Wang teaches wherein said text file is received at said device and wherein said text file is an XML file (see par. 0040).

As per claim 3, Wang teaches wherein said text file is parsed, and a representation of said text file is stored at said device (see par. 0100, 0103).

As per claim 4, Wang teaches storing data generated by said application at said wireless device using said format for storing data (see par. 01020068-0069).

As per claim 6, Wang teaches wherein said format of network messages comprises XML definitions for said network messages, and wherein data for said application are dispatched from said mobile device using said XML definitions (see par. 0068, 0093-0094).

Claim 13 is rejected by the same rationale as state in independent claim 1 arguments.

Claims 14-15 have similar limitations as claims 2-3; therefore, they are rejected under the same subject matter.

Claims 7-9, 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Aarnio et al (US Patent Application No. 2005/0059426 A1).

As per claim 7, Aarnio discloses a wireless mobile device (see par. 0018) comprising

a processor (see Fig. 1, # 40, CPU);

computer readable memory in communication with said processor (as a memory associated with the CPU 40, par. 0025), **storing virtual machine software controlling operation of said device** (as software module, par. 0025), **said virtual machine software comprising:**

a parser for receiving a text file (see par. 0020);

a screen generation engine, for presenting at least one screen at said device in accordance with said text file (see par. 0021);

an event handler for processing events arising in response to interaction with said at least one screen in accordance with said text file (see par. 0024);

object classes corresponding to actions to be taken by said in response to interaction with said at least one screen (see par. 0023).

As per claim 8, Aarnio teaches wherein said memory further stores a representation of said text file (see par. 0020).

As per claim 9, Aarnio teaches wherein said representation of said text file is created by said parser (see par. 0020).

As per claim 11, Aarnio teaches wherein said object classes corresponding to action to be taken comprise object classes that present screen elements at said device (see par. 0023).

As per claim 12, Aarnio teaches object classes enabling exchange of data between said wireless device and a computing device over a network, wherein said data is formatted in accordance with definitions within said text file (see par. 0023).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 5, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wang (US Patent Application No. 2002/0160745 A1) as applied to claims 1 and 13

above, and further in view of Aarnio et al (US Patent Application No. 2005/0059426 A1).

As per claim 5, Wang teaches message data include text, graphical or other

type of message information, other sizes and fields can be used for the location-aware

message format layout (see par. 0071). **Wang does not** explicitly teach said text

defines screens; events arising in response to interaction with said screens, and actions

for processing said events. However, **Aarnio teaches** said text defines screens; events

arising in response to interaction with said screens, and actions for processing said

events (0009, 0011, 0021). Thus, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine the teachings of the cited

references to implements the above features in order to resolve the problems of lack of

display space when displaying sizable content on wireless devices since when the

content become larger than the small screen can display so that the entire content be

seen at one time one the display as suggested by Aarnio (par. 0006, 0007).

Claim 16 has similar limitations as claim 5; therefore, it is rejected under the

same subject matter.

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Aarnio et al

(US Patent Application No. 2005/0059426 A1) as applied to claim 7 above, in view of

Wang (US Patent Application No. 2002/0160745 A1).

As per claim 10, Aarnio teaches WML, HTML (see par. 0006). **Aarnio does**

not explicitly teach wherein said parser comprises an XML parser. However, **Wang**

teaches said parser comprises an XML parser (see par. 0040). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of the cited references to implement an XML parser as disclosed

by Wang because it would enable Aarnio's system to exchange different types of

information using plural transport networks via different types of wireless devices in

order to accepted information in the format a user's wireless device desired.

Response to Arguments

Applicant's arguments, see page 6, last paragraph, filed on 1/19/05, with respect

to the rejection(s) of claim(s) 1, 3-5, 8-9, 17 and 13 under 35 USC 102 and 2, 6 and 10-

12 under 35 USC 103 have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of Wang (US Patent Application No. 2002/0160745 A1) and

Aarnio et al (US Patent Application No. 2005/0059426 A1).

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any,

is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-

4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JEFFREY GAFFIN can be reached on (571) 272-4146. The fax phone

number for the organization where this application or proceeding is assigned is 571-
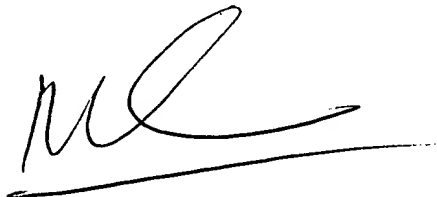
273-8300.

Information regarding the status of an application may be obtained from the

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Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEBBIE M LE
Examiner
Art Unit 2168

Debbie Le

Oct. 12, 2005.